

EXHIBIT 52

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 D.L.; K.S.F.; and K.B.,
5 by and through her parent
6 and next friend H.B.,

7 Plaintiffs, Case No. 22-cv-00838
8 vs.

9 MICHIGAN DEPARTMENT OF
10 EDUCATION, Hon. Robert J. Jonker
11 Mag. Phillip J. Green

12 Defendant.

13 /

14 DEPOSITION OF KE'AUJANAA SHEPHERD-FRIDAY

15 Taken by the Defendant at 251 N. Rose Street,
16 Suite 200, Kalamazoo, Michigan, on Tuesday, March 26,
17 2024, commencing at 10:12 a.m.

18 APPEARANCES:

19 For the Plaintiffs: MS. JACQUELYN N. KMETZ (P83575)
20 MI AECRES
21 P.O. Box 705
22 Ludington, Michigan 49431
23 231-794-2379

24 For the Defendant: MS. KATHLEEN A. HALLORAN (P76453)

25 (via Zoom videoconference)
MS. TICARA D. HENDLEY (P81166)
MS. AMANDA E. ZACK (P82326)
Michigan Department of Attorney
General Health, Education &
Family Division
P.O. Box 30758
Lansing, Michigan 48909
517-335-7603

REPORTED BY: Mr. Carl M. DePerro, CSR-4284
Certified Shorthand Reporter

<p style="text-align: right;">Page 14</p> <p>1 my body warm, or to do not go into like a sickling</p> <p>2 crisis.</p> <p>3 Q. How often would you say in the last year have you gone</p> <p>4 into a sickling crisis?</p> <p>5 A. In the last year I would I have gone into a couple of</p> <p>6 sickling crises. So it's very often.</p> <p>7 Q. And what happens when you go into a sickling crisis?</p> <p>8 A. Like the process or --</p> <p>9 Q. Yes. Tell me how you feel, what happens to your body.</p> <p>10 Do you go to the hospital? Just tell me about your</p> <p>11 perception of what happens when you are in a sickling</p> <p>12 crisis?</p> <p>13 A. Okay. So when I go into a sickling crisis my body</p> <p>14 shuts down, meaning my pain is everywhere in my body.</p> <p>15 My arms, my back, my chest. It's hard for me to</p> <p>16 breath. I have shortness of breath. My legs, I can</p> <p>17 barely walk. My body just shuts down, to the point</p> <p>18 where I can't walk, barely can breathe. And, yeah.</p> <p>19 Q. Do you go to the hospital when that happens?</p> <p>20 A. I do. Sometimes I try to do like a couple of home</p> <p>21 remedies that I know of, and if the home remedies</p> <p>22 doesn't work, then I will excuse myself to the ER.</p> <p>23 Q. And what do the home remedies entail?</p> <p>24 A. So the home remedies like my pain medicine, like</p> <p>25 staying warm, heated blankets, hot packs. Like my</p>	<p style="text-align: right;">Page 16</p> <p>1 the hospital and say oh, what's your pain level? 10</p> <p>2 out of 10. So yeah.</p> <p>3 Q. Okay. Do you think you have had multiple sickling</p> <p>4 crises in 2023?</p> <p>5 A. Yes, especially around the winter time, yes.</p> <p>6 Q. How about back in 2022? Do you know how many days you</p> <p>7 spent in the hospital?</p> <p>8 A. Same thing. I spend a lot of time in the hospital,</p> <p>9 basically.</p> <p>10 Q. Would it be fair to say you have a few sickling crises</p> <p>11 a year, and then with each crisis you are in the</p> <p>12 hospital for about three weeks to a month?</p> <p>13 A. Yes.</p> <p>14 Q. Was that the same in 2021?</p> <p>15 A. Yes.</p> <p>16 Q. How about 2020?</p> <p>17 A. Same.</p> <p>18 Q. Has it been like that your whole life would you say?</p> <p>19 A. Oh, yeah.</p> <p>20 Q. So your whole life you have a sickling crisis, and then</p> <p>21 you go to the hospital for approximately three weeks to</p> <p>22 a month?</p> <p>23 A. Yes.</p> <p>24 Q. That's accurate?</p> <p>25 A. Uh-huh (affirmative).</p>
<p style="text-align: right;">Page 15</p> <p>1 breathing treatments, my inhalers, things of that sort.</p> <p>2 Q. So far this year in 2024 how many days have you spent</p> <p>3 in the hospital, would you say?</p> <p>4 A. I would say probably about 30 days in the hospital.</p> <p>5 Q. Was that 30 days?</p> <p>6 A. Yeah, like a month. Like three weeks to a month.</p> <p>7 Q. And that's just January, February and March of 2024?</p> <p>8 A. Yes.</p> <p>9 Q. Now, in 2023 do you know how long you were in the</p> <p>10 hospital?</p> <p>11 A. I was in the hospital often. The same things, three</p> <p>12 weeks to a month in the hospital.</p> <p>13 Q. Do you think the whole time in 2023 it was three weeks</p> <p>14 to a month?</p> <p>15 A. Yes. Every time I am hospitalized it takes a while for</p> <p>16 my sickling crisis to go back to normal. So it takes a</p> <p>17 while. So yeah, so about three weeks that it takes</p> <p>18 that long for my body to revamp I should say, or go</p> <p>19 back to normal.</p> <p>20 Q. Sure. And is it three weeks to a month each sickling</p> <p>21 crisis would you say?</p> <p>22 A. Hospitalization, yes.</p> <p>23 Q. Okay.</p> <p>24 A. Because you have to understand, me being hospitalized,</p> <p>25 my sickling crisis is that bad. Like when I go into</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. That's a yes?</p> <p>2 A. Yes.</p> <p>3 Q. Can you tell me a little about how your sickle cell</p> <p>4 affects say an average day? Let me rephrase that.</p> <p>5 Kind of walk me through an average day from</p> <p>6 when you wake up. What does it look like for you?</p> <p>7 A. So when I wake up I have like a weak immune system. So</p> <p>8 it depends. Say today I woke up this morning, and I am</p> <p>9 always in some type of pain. Like I am always having</p> <p>10 some type of pain somewhere on my body. So today I was</p> <p>11 having back pain. But prior to today I was having back</p> <p>12 pain yesterday. So this morning it was a little bit</p> <p>13 worse. I had to use my heating blanket on my back and</p> <p>14 take my pain medicine, take my medicine, all of my</p> <p>15 medicine, hydroxyurea, JADENU, Oxycodone. I take that</p> <p>16 daily, on my daily basis every morning. So that's</p> <p>17 that.</p> <p>18 And then throughout the day I try to move</p> <p>19 around so that my body won't get tensed or stuck in one</p> <p>20 place. So I move around and, yeah.</p> <p>21 Q. And when you say move around, what does that usually</p> <p>22 entail? Does that mean go for a walk or walk around</p> <p>23 the house? Tell me about that.</p> <p>24 A. Like walk around the house, or if it's a good day I</p> <p>25 will go outside and walk around.</p>

<p style="text-align: right;">Page 26</p> <p>1 A. Yes, definitely.</p> <p>2 Q. How would you say that it affected your job?</p> <p>3 A. It affected my job because I actually wanted to like be</p> <p>4 productive, but my body was rejecting, like no, can't</p> <p>5 do that, basically.</p> <p>6 Q. Based on your past experience do you think you will</p> <p>7 ever be able to work, given your sickle cell diagnosis?</p> <p>8 A. Not really. And I probably can say that's why I am not</p> <p>9 currently working at the moment, only because I know</p> <p>10 like what the outcome will be.</p> <p>11 Q. What would the outcome be if you tried to work?</p> <p>12 A. Sickling crisis and my body rejecting me maneuvering</p> <p>13 throughout the day. Even though I do maneuver, but</p> <p>14 it's just like to a certain extent.</p> <p>15 Q. Do you think you would even be able to work part time,</p> <p>16 or is that too much?</p> <p>17 A. I was working part time in the past, but again, I mean,</p> <p>18 I don't know. I would say maybe.</p> <p>19 Q. What circumstances do you think you could maybe work</p> <p>20 part time?</p> <p>21 A. What do you mean by that?</p> <p>22 Q. Like what type of job do you think you could handle</p> <p>23 without going into a sickle cell crisis?</p> <p>24 A. Well, I actually really enjoyed the housekeeping job I</p> <p>25 had before. Yeah.</p>	<p style="text-align: right;">Page 28</p> <p>1 you attended school. Where did you attend elementary</p> <p>2 school?</p> <p>3 A. Arcadia Elementary.</p> <p>4 Q. And is that a Kalamazoo public school?</p> <p>5 A. Yes.</p> <p>6 Q. And what grades did you attend at Arcadia?</p> <p>7 A. I think first grade to like third grade.</p> <p>8 Q. And then after third grade where did you go?</p> <p>9 A. After third grade, I can't remember.</p> <p>10 Q. Do you remember the name of any other elementary school</p> <p>11 you attended besides Arcadia?</p> <p>12 A. Parchment Elementary. I think from third grade I went</p> <p>13 to Parchment.</p> <p>14 Q. Can you speak up a little for me?</p> <p>15 A. Parchment Elementary School.</p> <p>16 Q. Parchment you said?</p> <p>17 A. Yes, and that is not a KPS school.</p> <p>18 Q. And where is that school?</p> <p>19 A. Parchment, Michigan.</p> <p>20 Q. Do you know how long you attended there?</p> <p>21 A. For about the rest of third grade. I would say about a</p> <p>22 few months.</p> <p>23 Q. How about middle school? Where did you attend middle</p> <p>24 school?</p> <p>25 A. Linden Grove Middle School.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Have you applied for any part time housekeeping jobs?</p> <p>2 A. No.</p> <p>3 Q. You mentioned earlier that you have some anxiety around</p> <p>4 driving. Do you have a driver's license?</p> <p>5 A. Not at the moment.</p> <p>6 Q. Did you ever have one?</p> <p>7 A. No.</p> <p>8 Q. And why don't you have one? Because of the anxiety and</p> <p>9 your medications?</p> <p>10 A. Well, I don't have a driver's license at the moment</p> <p>11 because, well, in high school like when me and my twin</p> <p>12 were in high school, like I was always hospitalized.</p> <p>13 So I didn't really have the time to actually, you know,</p> <p>14 do drivers training and things of that sort. So she</p> <p>15 got her license before me, so I wasn't able to like, I</p> <p>16 just didn't have the time to.</p> <p>17 Q. And now as an adult what stops you from getting your</p> <p>18 driver's license?</p> <p>19 A. Car accidents.</p> <p>20 Q. And what do you mean by that?</p> <p>21 A. Like people don't know how to drive. Like I see it</p> <p>22 every day. And I hear that saying you have to drive</p> <p>23 for other people, but it's just like frightening. It</p> <p>24 frightens me really bad.</p> <p>25 Q. Let's talk a little about your school history and where</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. And is that a Kalamazoo public school?</p> <p>2 A. Yes.</p> <p>3 Q. And what grades did you attend Linden Grove?</p> <p>4 A. Sixth through eighth grade.</p> <p>5 Q. And you graduated from Linden Grove, correct?</p> <p>6 A. Well, tried to, yes.</p> <p>7 Q. What do you mean tried to?</p> <p>8 A. Well, the end of my eighth grade year I was</p> <p>9 hospitalized, I would say from like the end of my</p> <p>10 eighth grade trimester. So that caused Linden Grove to</p> <p>11 take me off of their roster. And so the day of eighth</p> <p>12 grade graduation my mom got me and my twin prepared.</p> <p>13 She was prepared. She was graduating. And I thought</p> <p>14 because I finished eighth grade that I was going to be</p> <p>15 graduating with my twin. But Linden Grove took it upon</p> <p>16 their self to take me off of their roster and not</p> <p>17 informing me or my mother.</p> <p>18 So as I got discharged from the hospital the</p> <p>19 day of graduation, they are like oh, Ke'Aujanaa, no,</p> <p>20 you cannot walk stage. We took you off of our roster.</p> <p>21 And I was disappointed because it's like, why is this</p> <p>22 happening. Yeah.</p> <p>23 Q. Do you know if you complained to the Michigan</p> <p>24 Department of Education about that?</p> <p>25 A. I did. I am sure my mom did.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Do you know for certain if she did?</p> <p>2 A. I don't.</p> <p>3 Q. And I want to just make sure I know the time line of</p> <p>4 the schools that you attended when you were in high</p> <p>5 school.</p> <p>6 The school year 2016 to 2017, was that the</p> <p>7 first year that you were in high school?</p> <p>8 A. Yes.</p> <p>9 Q. And where did you attend?</p> <p>10 A. Kalamazoo Central High School.</p> <p>11 Q. And how about for the 2017 to 2018 school year?</p> <p>12 A. 2017-2018 I think it was Kalamazoo Central still.</p> <p>13 Q. And '18 to '19 school year? Do you remember if that</p> <p>14 was Kalamazoo or Phoenix?</p> <p>15 A. That was Phoenix, definitely.</p> <p>16 Q. And the '19 to '20 school year?</p> <p>17 A. 2019-2020 was Comstock.</p> <p>18 Q. And how about the 20-2021 school year? Where did you</p> <p>19 attend?</p> <p>20 A. Comstock.</p> <p>21 Q. And how about 21-22 school year?</p> <p>22 A. It was still Comstock from there on.</p> <p>23 Q. What kind of school is Phoenix?</p> <p>24 A. Phoenix is an alternative school.</p> <p>25 Q. Do you know what that means by alternative school?</p>	<p style="text-align: right;">Page 32</p> <p>1 So with me being hospitalized a lot during</p> <p>2 the school year, I would come back to school, you know,</p> <p>3 I would feel better and I would come back school and</p> <p>4 they would like oh, she is lying about her sickness, or</p> <p>5 she doesn't have sickle cell, she is lying. Or she</p> <p>6 looks fine.</p> <p>7 And I would always tell people, still to this</p> <p>8 day, looks can be deceiving. I might look like I am</p> <p>9 fine, but I don't feel like I am okay.</p> <p>10 So people, growing up people didn't know</p> <p>11 about sickle cell or they didn't know how I felt,</p> <p>12 nothing. They just bullied me.</p> <p>13 I remember some girl, she was bullying me and</p> <p>14 she said oh, she is faking sickness. I am just like</p> <p>15 well, how can you fake a sickness? If you are sick you</p> <p>16 are sick. Period. It's no ifs ands or buts about it.</p> <p>17 It's not faking nothing.</p> <p>18 And I guess they would state that because of</p> <p>19 my appearance or how I looked. I don't know how I</p> <p>20 dressed. I don't know. But they would just bully me</p> <p>21 because of my, still to this day I get bullied. So</p> <p>22 it's like, I don't know.</p> <p>23 Q. And the teasing, did it culminate in a physical fight?</p> <p>24 A. Yes.</p> <p>25 Q. Tell me about that physical fight. Who was involved,</p>
<p style="text-align: right;">Page 31</p> <p>1 A. Somewhat.</p> <p>2 Q. How would you describe it?</p> <p>3 A. I would describe it as -- I don't know what I would</p> <p>4 describe it as because I wasn't even supposed to be</p> <p>5 there. I don't know.</p> <p>6 Q. Do you know why you were moved to Phoenix?</p> <p>7 A. I don't.</p> <p>8 Q. Was there an altercation at school that led to that</p> <p>9 transfer?</p> <p>10 A. Yes.</p> <p>11 Q. Tell me about that altercation.</p> <p>12 A. So the altercation that led to me going to Phoenix was,</p> <p>13 well, from ninth grade on to the time I was at</p> <p>14 Kalamazoo Central me and my siblings were getting</p> <p>15 bullied. Why, there was no reason.</p> <p>16 Q. Was there a physical altercation that happened because</p> <p>17 of the bullying?</p> <p>18 A. (Nods head.)</p> <p>19 Q. Can you tell me a little about it? Take your time?</p> <p>20 A. There was no exact reason, but mine was because of my</p> <p>21 sickle cell. And people, they would bully me because,</p> <p>22 well, I have sickle cell but they didn't know I had</p> <p>23 sickle cell because I wasn't verbally saying oh, I have</p> <p>24 a disability, because I just didn't feel comfortable</p> <p>25 doing that.</p>	<p style="text-align: right;">Page 33</p> <p>1 what happened?</p> <p>2 A. Me and my three sisters from --</p> <p>3 Q. Take your time. And we can take a break if you need</p> <p>4 to.</p> <p>5 A. My older sister, Ke'Asia, she was getting tired of</p> <p>6 people like bullying us. So some girl, the girl that</p> <p>7 was bullying my sister Ke'Asia, I guess she said</p> <p>8 something about me, and she basically got all of her</p> <p>9 friends to like put their hands on my sister. Like</p> <p>10 they basically contemplated on what they wanted to do</p> <p>11 to my sister after class.</p> <p>12 Because my sister had a class with her, and</p> <p>13 after class my sister, we all three of us we had the</p> <p>14 same lunch period. And my sister, she was telling us</p> <p>15 about, you know, the girl in class and how she was</p> <p>16 saying like stuff to her, like not towards her, but</p> <p>17 about her. And like just nitpicking with her in class.</p> <p>18 So after class there was lunch, we had lunch,</p> <p>19 and we was always together at lunch. So my sister, she</p> <p>20 came to lunch. She was telling me and my twin like</p> <p>21 hey, this is just happening in class and, you know,</p> <p>22 basically we were just trying to protect each other.</p> <p>23 Because now, as she was saying like she was, her and</p> <p>24 her friends were contemplating on doing something to my</p> <p>25 sister. They didn't know we had the same lunch period.</p>

<p style="text-align: right;">Page 34</p> <p>1 So after class the girl that was bullying, 2 like nitpicking with my sister Ke'Asia. She came to 3 our lunch period that was not her lunch period, and she 4 said something. She came up to my sister and said 5 something, and my sister, she was fed up. She got 6 tired of it. So they just started fighting. 7 And I was trying to get my sister breaking 8 up, you know, like you all stop, and the girl that was 9 nitpicking with my sister, her friends, they were 10 fighting my twin sister. Like at this point they were 11 getting jumped. And so they were jumping on my sister, 12 my twin sister and my other sister Ke'Asia. 13 And so after that I was trying to break it 14 up. The security guard put me in a headlock, and I am 15 like what are you doing this to me for? I didn't do 16 nothing. I wasn't the aggressor. Like, you know, I am 17 trying to prevent this from happening. And he puts me 18 in a headlock, and I am like, what are you doing this 19 to me for? I didn't do anything. And he like, you are 20 always like you know, and he just started yelling at me 21 and I am just like I am not even the problem here. 22 So they took my sisters down to the office. 23 They called my mom and told my mom what happened. And 24 it's been going on like this since the school year, 25 since the whole school year I was getting picked on and</p>	<p style="text-align: right;">Page 36</p> <p>1 they kept mentioning like, you know, KPS, and I didn't 2 understand that. I just wasn't comfortable, and I 3 didn't understand why they kept mentioning KPS. 4 Q. When would they mention KPS to you? 5 A. Just like readably [sic], like when me and my mom had 6 my IEP meeting they kept mentioning KPS. 7 Q. And in what context would they mention KPS? 8 A. I am not sure. Like they would tell my mom something 9 about KPS. I don't know. But they just kept 10 mentioning KPS. 11 Q. So you don't know why KPS was part of the conversations 12 at Comstock? 13 A. Yes. I was just letting Comstock know hey, I was here 14 to further my education to get the rest of the credits 15 that I needed in order to receive my diploma, and they 16 didn't care. 17 Q. When you say they didn't care, what makes you think 18 that? 19 A. Because they weren't trying to help me receive those 20 credits. 21 Q. What kind of help were you seeking to receive those 22 credits that you think that they failed to help you 23 with? 24 A. Like not receiving like schoolwork and things of that 25 such.</p>
<p style="text-align: right;">Page 35</p> <p>1 bullied and nitpicked. It was just a lot. 2 Q. Were you suspended for that incident? 3 A. Yes. And from that suspension we couldn't come back to 4 school. We couldn't do nothing. And so from that 5 suspension KPS decided to transfer me and my sister 6 Ke'Asia to Phoenix. Why, I don't know. They just said 7 we can't no longer come back to Kalamazoo Central. So 8 that's when we were placed at an alternative school. 9 Q. Were you relieved to get out of KPS and go to Phoenix 10 after that incident, or did you want to stay at 11 Kalamazoo Central High School? 12 A. I didn't have a say-so. They just said you guys can't 13 come back. 14 Q. Were you relieved at all to leave Kalamazoo Central 15 because of that incident? 16 A. (Shakes head.) 17 Q. Remember yes or no for the record. 18 A. I am not sure. 19 Q. We talked about you then went from Phoenix to Comstock. 20 Do you know why you went to Comstock? 21 A. To further my education. 22 Q. And what do you mean by that? 23 A. I went to Comstock to, I needed a few more credits in 24 order to get my diploma. So I went to Comstock to 25 receive those credits. But as I was going to Comstock</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Anything else besides not receiving school work? 2 A. (Shakes head.) 3 Q. Remember, you have to say yes or no. 4 A. No. 5 Q. And when you say not receiving schoolwork, what do you 6 mean by that? 7 A. Like, I wasn't receiving my schoolwork. And when I 8 would go to school they wouldn't help me. Like I say, 9 you know, say I needed help on a question. They 10 wouldn't care to help me. 11 Q. What kind of help were you looking for when you would 12 ask a question? 13 A. Like help on work that I wasn't sure how to do, you 14 know. 15 Q. When the COVID-19 pandemic hit in March of 2020 were 16 you 100 percent remote for the rest of that school 17 year? 18 A. No. I think I was hospitalized around that time. 19 Q. When do you think you were in the hospital in March of 20 2020 or around that time? 21 A. I would say around February. 22 Q. And how long were you in the hospital? 23 A. For about a month. 24 Q. And after you got out of the hospital was it remote 25 learning?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. What do you mean by that?</p> <p>2 Q. Was anyone going to the school building for classes, or</p> <p>3 was everyone doing school on the Internet?</p> <p>4 A. Yeah, online. They were going to school online.</p> <p>5 Q. And how about the following year, from fall of 2020 to</p> <p>6 spring of 2021? Was school 100 percent remote?</p> <p>7 A. No, it was still online.</p> <p>8 Q. So it was online that school year?</p> <p>9 A. Yes.</p> <p>10 Q. Were there any in-person classes?</p> <p>11 A. No.</p> <p>12 Q. How did that go for you?</p> <p>13 A. Not good. I still wasn't getting the help that I was</p> <p>14 asking.</p> <p>15 Q. And when you say not good, why was it not good?</p> <p>16 A. Because I was still destined to receive my diploma, and</p> <p>17 I was just a few credits away from receiving my</p> <p>18 diploma. And after like COVID hit and I was</p> <p>19 hospitalized, you know, I decided I am just going to do</p> <p>20 my work online and submit it online.</p> <p>21 And I would ask my teachers, like hey, can I</p> <p>22 get help on this? I would ask questions, and they</p> <p>23 either wouldn't respond or they just wouldn't help me</p> <p>24 at all.</p> <p>25 Q. Were you able to access the materials online?</p>	<p style="text-align: right;">Page 40</p> <p>1 time I had work to accomplish or get done I would log</p> <p>2 on, I would try to get it done. And if I come to</p> <p>3 something that I don't know of, I don't know how to do,</p> <p>4 I would message my teacher, hey, can you help me on</p> <p>5 this assignment. But there never was a response.</p> <p>6 Q. How would you message your teacher?</p> <p>7 A. It was like on the online portal. It was like a</p> <p>8 message, like you can access with your teachers and you</p> <p>9 can message them saying like hey, just contact them and</p> <p>10 ask them any questions or things of that such.</p> <p>11 Q. Did you try contacting them any other way?</p> <p>12 A. Yes. Or I would contact my teachers through email.</p> <p>13 Like if they don't respond through the online portal I</p> <p>14 would contact them through email.</p> <p>15 Q. Do you still have copies of those emails?</p> <p>16 A. Yes, I should have copies.</p> <p>17 Q. For the 2021-2022 school year was school back in person</p> <p>18 for that school year?</p> <p>19 A. No. I think school was out for the rest of that school</p> <p>20 year.</p> <p>21 Q. Okay. So you think it was 100 percent remote '20-21</p> <p>22 and '21-22?</p> <p>23 A. Yes.</p> <p>24 Q. Was it remote for everyone or did you just elect to do</p> <p>25 remote?</p>
<p style="text-align: right;">Page 39</p> <p>1 A. No. I was actually kind of like stumped with that.</p> <p>2 Like I would tell them like hey, it's not letting me,</p> <p>3 you know, submit this or whatever the case was. And I</p> <p>4 would email them and say hey, can I get help on this</p> <p>5 project or this assignment. It's not letting me do</p> <p>6 such and such. And they would be like they wouldn't</p> <p>7 say anything. They wouldn't respond.</p> <p>8 Q. And when you were asking for help, what do you mean by</p> <p>9 help?</p> <p>10 A. Like around the time after I was hospitalized and I was</p> <p>11 on bedrest I was asking my teachers like hey, can you</p> <p>12 guys send me my work for this trimester. And it took</p> <p>13 them a while to send my work. So when I did receive my</p> <p>14 work I was behind.</p> <p>15 So as I was trying to catch up I would ask</p> <p>16 like hey, can you help me on this assignment? Like</p> <p>17 what are we supposed to be doing here? Like, you know,</p> <p>18 how am I supposed to go about this? And my teacher,</p> <p>19 she would not help me, she wouldn't answer my question.</p> <p>20 She wouldn't even respond.</p> <p>21 Q. Did you log in for any of the online classes in the</p> <p>22 2020 to 2021 year?</p> <p>23 A. Yes.</p> <p>24 Q. How often would you log on?</p> <p>25 A. I logged on every day. Like any time I needed, any</p>	<p style="text-align: right;">Page 41</p> <p>1 A. No. It was remote for everyone after COVID. Comstock,</p> <p>2 they shut down the school. So it wasn't in person at</p> <p>3 all.</p> <p>4 Q. So Comstock switched to fully remote for everybody?</p> <p>5 A. Yeah.</p> <p>6 Q. Besides the suspension that we talked about before you</p> <p>7 transferred over to Phoenix, have you been suspended</p> <p>8 any other times?</p> <p>9 A. No.</p> <p>10 Q. And are you currently enrolled in high school?</p> <p>11 A. No.</p> <p>12 Q. When is the last time that you were enrolled in high</p> <p>13 school?</p> <p>14 A. The last time, the last school year of Comstock.</p> <p>15 Q. So would you say the end of the '22 school year? Is</p> <p>16 that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And what made you decide not to finish high school?</p> <p>19 A. I didn't decide not to finish because I still would</p> <p>20 like to receive my diploma. Comstock, they just</p> <p>21 weren't helpful at all. And any time I did ask for</p> <p>22 help they would oh, well, yeah, I know KPS, they will</p> <p>23 mention KPS. Well, why are you mentioning KPS when I</p> <p>24 need help? I am confused. So it's like.</p> <p>25 Q. What sorts of things did you want Comstock to do to</p>

<p style="text-align: right;">Page 42</p> <p>1 help you receive your diploma?</p> <p>2 A. Could you rephrase that?</p> <p>3 Q. Yes. What sorts of things were you looking for the</p> <p>4 Comstock Schools to do in order to help you graduate</p> <p>5 from high school?</p> <p>6 A. Like help me with my work and getting those few -- I</p> <p>7 was a few credits away from receiving my diploma. I</p> <p>8 received a credit in one class, but it was just these</p> <p>9 two classes that I was getting, I was not getting help</p> <p>10 in because teachers stopped helping. Like after COVID</p> <p>11 it was just like you guys have the online portal, you</p> <p>12 don't need help.</p> <p>13 Q. What's your understanding of how many more credits you</p> <p>14 need to graduate high school?</p> <p>15 A. Like a few more credits. I think I was like at 20, 20</p> <p>16 credits.</p> <p>17 Q. Do you know how many you need to graduate?</p> <p>18 A. Twenty-six.</p> <p>19 Q. Have attempted to enroll in any adult education</p> <p>20 programs to help finish high school?</p> <p>21 A. No. I was looking into it, but I didn't really fill</p> <p>22 out anything. So no.</p> <p>23 Q. When you say you were looking into it, where did you</p> <p>24 look?</p> <p>25 A. Like online, trying to find like somewhere that could</p>	<p style="text-align: right;">Page 44</p> <p>1 was full or they shut it down because of COVID.</p> <p>2 Q. Do you remember when you asked the principal at</p> <p>3 Comstock about that?</p> <p>4 A. Like around 2021-2022 school year.</p> <p>5 Q. But you haven't asked since then?</p> <p>6 A. Yeah.</p> <p>7 Q. So do you have in any plans in place to receive a high</p> <p>8 school diploma?</p> <p>9 A. Not at the moment, but I would like to have plans in</p> <p>10 order to receive my diploma.</p> <p>11 Q. When you were in school what was your favorite class?</p> <p>12 A. History and English.</p> <p>13 Q. And why did you like those classes?</p> <p>14 A. Because I like to write and I like to learn about like</p> <p>15 things that happened before my time. Like I was</p> <p>16 interested in things like that.</p> <p>17 Q. What would you say your reading level is?</p> <p>18 A. I have a really good reading level.</p> <p>19 Q. What was your least favorite class?</p> <p>20 A. Algebra, only because I didn't understand it.</p> <p>21 Q. Did you have a hard time with math?</p> <p>22 A. I did.</p> <p>23 Q. What would you say your math level is?</p> <p>24 A. I would say my math level is like middle school math</p> <p>25 level. Like ninth grade math. When it comes to</p>
<p style="text-align: right;">Page 43</p> <p>1 help me receive the rest of the credits that I need in</p> <p>2 order to get my diploma.</p> <p>3 Q. Where did you look online?</p> <p>4 A. I just Googled like some schools that, some online</p> <p>5 schools that could help.</p> <p>6 Q. Did you do anything besides Google online schools?</p> <p>7 A. (Shakes head.)</p> <p>8 Q. Was that no?</p> <p>9 A. Yes, no.</p> <p>10 Q. So I just want to clarify for the record, so the only</p> <p>11 thing you did was Google some online schools; is that</p> <p>12 right?</p> <p>13 A. Yes, correct.</p> <p>14 Q. Do you know what programs Kalamazoo Public Schools have</p> <p>15 for adults?</p> <p>16 A. I don't.</p> <p>17 Q. How about Comstock? Do you know what programs they</p> <p>18 have for adults?</p> <p>19 A. No.</p> <p>20 Q. Have you asked either school district about adult</p> <p>21 programs?</p> <p>22 A. I asked Comstock, but they never got back to me on</p> <p>23 that. And I think I asked the principal, and he was</p> <p>24 saying that their programs were full I guess, that they</p> <p>25 weren't no longer receiving anybody. I think either it</p>	<p style="text-align: right;">Page 45</p> <p>1 algebra it's like hard.</p> <p>2 Q. Would you say that you oftentimes fell behind on your</p> <p>3 classroom work?</p> <p>4 A. No. Only time I fell behind was when I was</p> <p>5 hospitalized, but I would still get the work done after</p> <p>6 the fact, even if I am behind. I would still try to</p> <p>7 catch up so I could receive that credit. But every</p> <p>8 time I would catch up and when I was behind and turning</p> <p>9 the work and make sure I don't have anything that's</p> <p>10 missing, the teacher, like she wouldn't grade it or</p> <p>11 anything. She would just like.</p> <p>12 Q. What documentation do you have of completing all your</p> <p>13 work and the teacher not grading it?</p> <p>14 A. Like I have emails of my teacher, of me asking my</p> <p>15 teacher like hey, can you grade this? I have done</p> <p>16 this. What can I do to get the grade? Things of that</p> <p>17 such. Like I would communicate.</p> <p>18 Q. Anything else to demonstrate that you completed all</p> <p>19 your work but that the teachers just didn't grade it?</p> <p>20 A. Could you rephrase that?</p> <p>21 Q. Sure. Besides the emails, is there anything else that</p> <p>22 you have that would prove that you completed all of</p> <p>23 your schoolwork but the teachers just didn't grade it?</p> <p>24 A. Besides the emails I don't think I could go back into</p> <p>25 my online portal to see like, you know. So no, I don't</p>

<p style="text-align: right;">Page 78</p> <p>1 Exhibit 10. Do you know what this document is?</p> <p>2 A. Yes.</p> <p>3 Q. What is it?</p> <p>4 A. This is a document according to my 504 Plan.</p> <p>5 Q. And what is 504 Plan?</p> <p>6 A. A 504 Plan basically gives a summary of evaluation of</p> <p>7 the needs that I will basically need during my school</p> <p>8 year.</p> <p>9 Q. And this 504 Plan that I just handed you, this one is</p> <p>10 dated from a meeting May 5th of 2017; is that right?</p> <p>11 A. Correct.</p> <p>12 Q. Do you remember if you were at the meeting?</p> <p>13 A. I don't, I don't.</p> <p>14 Q. So you don't remember if you were or not?</p> <p>15 A. No, I don't remember.</p> <p>16 Q. Do you remember attending any 504 meetings?</p> <p>17 A. No.</p> <p>18 Q. On page 2 there is a list of aids and services to be</p> <p>19 implemented according to this plan. The first one says</p> <p>20 extended time to complete assignments without penalty.</p> <p>21 Were you allowed to have additional time to complete</p> <p>22 assignments?</p> <p>23 A. Yes, but they didn't obide [sic] by this service.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. KPS, they didn't like, they didn't basically go by the</p>	<p style="text-align: right;">Page 80</p> <p>1 -- well, they wouldn't respond and they would put in my</p> <p>2 grade as like missing, and they wouldn't give me my</p> <p>3 work in order for me to do the assignments so that I</p> <p>4 could turn them in.</p> <p>5 Q. Next on your 504 it says excused medical absences.</p> <p>6 Were you given excused absences for your</p> <p>7 hospitalization?</p> <p>8 A. No.</p> <p>9 Q. What do you mean you were not given excused medical</p> <p>10 absences?</p> <p>11 A. So that goes back to basically during my eighth grade</p> <p>12 year how they took me off of the roster because I was</p> <p>13 absent due to me being hospitalized. So that's</p> <p>14 basically what that is.</p> <p>15 Like any time I am in the hospital they</p> <p>16 don't, KPS didn't excuse that.</p> <p>17 Q. Did you have a 504 in eighth grade?</p> <p>18 A. Yes.</p> <p>19 Q. You were exempt from Physical Education. Were you</p> <p>20 given that accommodation or were you forced to</p> <p>21 participate in gym class?</p> <p>22 A. No.</p> <p>23 Q. You were not forced to participant in gym class?</p> <p>24 A. No.</p> <p>25 Q. It says you were to be given a copy of textbooks for</p>
<p style="text-align: right;">Page 79</p> <p>1 aids and services to be implemented by my 504 Plan.</p> <p>2 Q. Can you repeat that or read it back? Whichever is</p> <p>3 easier.</p> <p>4 (Requested portion of the record was read</p> <p>5 by the reporter.)</p> <p>6 THE WITNESS: Correct.</p> <p>7 BY MS. HALLORAN:</p> <p>8 Q. And what do you mean by that?</p> <p>9 A. So like if it was time to turn in assignments they</p> <p>10 would basically mark my grade as missing or didn't,</p> <p>11 like didn't turn in, when really I would complete the</p> <p>12 assignment, they just wouldn't grade it. Or they</p> <p>13 wouldn't give me my work to like do.</p> <p>14 Q. So it is your position that you never got the work in</p> <p>15 the first place or that you did complete all the work</p> <p>16 and just didn't graded?</p> <p>17 A. So the work I had before being hospitalized, I would</p> <p>18 complete that and turn it in, but the teachers would</p> <p>19 never grade it or they would put my grade in as missing</p> <p>20 or haven't turned in or whatever. They just would like</p> <p>21 basically they would just, they wouldn't grade it.</p> <p>22 So while I was hospitalized I would ask, I</p> <p>23 would communicate with my teachers through email, hey,</p> <p>24 could you send me my assignments that I missed for this</p> <p>25 week to this week. Either they wouldn't respond or</p>	<p style="text-align: right;">Page 81</p> <p>1 you to keep at home. In 2017 were you provided with</p> <p>2 textbooks to keep at home?</p> <p>3 A. Not at all. No.</p> <p>4 Q. Were you allowed access to water?</p> <p>5 A. No.</p> <p>6 Q. Teachers wouldn't let you get up to get a drink of</p> <p>7 water?</p> <p>8 A. No.</p> <p>9 Q. Were you allowed frequent bathroom breaks?</p> <p>10 A. No.</p> <p>11 Q. Were you allowed to report to the counseling office to</p> <p>12 find a location to rest?</p> <p>13 A. No.</p> <p>14 Q. Were you allowed to use the school elevator?</p> <p>15 A. No.</p> <p>16 Q. Were you given breaks during testing?</p> <p>17 A. No.</p> <p>18 Q. Were you given extended time for tests, quizzes and</p> <p>19 other assignments?</p> <p>20 A. No.</p> <p>21 Q. Were you given a school locker assigned close to the</p> <p>22 majority of your classes?</p> <p>23 A. No.</p> <p>24 Q. Were you allowed to leave class to get your medication?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. And all these questions I just asked you were as they</p> <p>2 relate to 2017 when you were at KPS, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Was your response all based on what happened when you</p> <p>5 were at Central?</p> <p>6 A. Yes</p> <p>7 DEPOSITION EXHIBIT 11</p> <p>8 WAS MARKED BY THE REPORTER</p> <p>9 FOR IDENTIFICATION.</p> <p>10 BY MS. HALLORAN:</p> <p>11 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>12 marked MDE's Exhibit 11. Do you recognize this</p> <p>13 document?</p> <p>14 A. Yes.</p> <p>15 Q. And what is that?</p> <p>16 A. My 504 Plan.</p> <p>17 Q. And this one is dated for a meeting date in June of</p> <p>18 2018; is that right? If you look on the first page at</p> <p>19 the very top.</p> <p>20 A. Yes.</p> <p>21 Q. And this is when you were still enrolled in KPS, right?</p> <p>22 A. Yes.</p> <p>23 Q. And it looks like the accommodations on page 2 are</p> <p>24 similar to the ones we just went over in Exhibit 10.</p> <p>25 Is your position that you weren't given any of these</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Did Comstock give you excused medical absences?</p> <p>2 A. No.</p> <p>3 Q. Did Comstock exempt you from physical education class?</p> <p>4 A. No.</p> <p>5 Q. So you had to participate in gym class at Comstock?</p> <p>6 A. Yes.</p> <p>7 Q. The next accommodation says provide student early</p> <p>8 passing time to access your school locker, since you</p> <p>9 become easily fatigued and carrying a backpack can</p> <p>10 become a burden. Were you provided this accommodation</p> <p>11 at Comstock?</p> <p>12 A. No.</p> <p>13 Q. Were you ever?</p> <p>14 A. No.</p> <p>15 Q. Were you provided a copy of textbooks for you to keep</p> <p>16 at home at Comstock?</p> <p>17 A. No.</p> <p>18 Q. Were you allowed access to water during class?</p> <p>19 A. No.</p> <p>20 Q. Your answer is no?</p> <p>21 A. Yes, correct.</p> <p>22 Q. Were you allowed bathroom breaks?</p> <p>23 A. No.</p> <p>24 Q. Were you allowed upon your request to report to the</p> <p>25 counseling office to find a location to rest?</p>
<p style="text-align: right;">Page 83</p> <p>1 accommodations by KPS?</p> <p>2 A. Correct.</p> <p>3 DEPOSITION EXHIBIT 12</p> <p>4 WAS MARKED BY THE REPORTER</p> <p>5 FOR IDENTIFICATION.</p> <p>6 BY MS. HALLORAN:</p> <p>7 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>8 marked as MDE's Exhibit 12. What is this document?</p> <p>9 A. My 504 Plan.</p> <p>10 Q. And is this one from a meeting date of October 14th of</p> <p>11 2019?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember where you were enrolled in school in</p> <p>14 2019?</p> <p>15 A. I think Phoenix High School.</p> <p>16 Q. It says Comstock at the top. Could that be accurate?</p> <p>17 A. Oh. Yes.</p> <p>18 Q. Let's go through on page 2 the plan and Aids and</p> <p>19 Services to be implemented. So this is as they relate</p> <p>20 to Comstock. Did Comstock give you extended time to</p> <p>21 complete assignments without penalty?</p> <p>22 A. No.</p> <p>23 Q. Did that ever happen or did they always deny you</p> <p>24 extended time?</p> <p>25 A. They always denied me extended time.</p>	<p style="text-align: right;">Page 85</p> <p>1 A. No.</p> <p>2 Q. Were you given breaks during testing?</p> <p>3 A. No.</p> <p>4 Q. Were you given extended time for tests, quizzes, and</p> <p>5 other assignments?</p> <p>6 A. No.</p> <p>7 Q. Were you given a school locker close to the majority of</p> <p>8 your classes?</p> <p>9 A. No.</p> <p>10 Q. Were you allowed to leave class to get your medication?</p> <p>11 A. No.</p> <p>12 DEPOSITION EXHIBIT 13</p> <p>13 WAS MARKED BY THE REPORTER</p> <p>14 FOR IDENTIFICATION.</p> <p>15 BY MS. HALLORAN:</p> <p>16 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>17 marked as MDE's Exhibit 13. Do you recognize this</p> <p>18 document?</p> <p>19 A. No.</p> <p>20 Q. In 2020 do you remember your 504 Plan being</p> <p>21 discontinued and instead having an IEP?</p> <p>22 A. No.</p> <p>23 DEPOSITION EXHIBIT 14</p> <p>24 WAS MARKED BY THE REPORTER</p> <p>25 FOR IDENTIFICATION.</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MS. HALLORAN:</p> <p>2 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>3 MDE's Exhibit 14. Do you recognize this document?</p> <p>4 A. No.</p> <p>5 Q. You testified earlier that you remember being on an</p> <p>6 IEP; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Do you ever remember reviewing any of the reports or</p> <p>9 documents about the IEP?</p> <p>10 A. No.</p> <p>11 DEPOSITION EXHIBIT 15</p> <p>12 WAS MARKED BY THE REPORTER</p> <p>13 FOR IDENTIFICATION.</p> <p>14 BY MS. HALLORAN:</p> <p>15 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>16 marked as MDE's Exhibit 15. Do you recognize this</p> <p>17 document?</p> <p>18 A. I don't.</p> <p>19 Q. You testified earlier that you may have remembered</p> <p>20 being at an IEP meeting in May of 2021; is that right?</p> <p>21 A. Correct.</p> <p>22 Q. Do you remember reviewing the plan for that IEP during</p> <p>23 that meeting?</p> <p>24 A. No.</p> <p>25 Q. Have you ever been charged with any crime?</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Where do you want to go to college?</p> <p>2 A. I want to go to college at either -- well, it doesn't</p> <p>3 really matter to me. I just want to further my</p> <p>4 education so that I can become a, like I want to -- I</p> <p>5 am interested in like medicine and how to like make</p> <p>6 medicine and stuff like that. So yes. Pharmacy</p> <p>7 technician, that's what it is.</p> <p>8 Q. So you want to be a pharmacy tech?</p> <p>9 A. Yes.</p> <p>10 Q. Given your episodes of sickling crisis do you think it</p> <p>11 would be difficult work as a pharmacy tech?</p> <p>12 A. Maybe.</p> <p>13 Q. How would it be difficult?</p> <p>14 A. By being like moving around and being on my feet most</p> <p>15 of the time.</p> <p>16 DEPOSITION EXHIBIT 16</p> <p>17 WAS MARKED BY THE REPORTER</p> <p>18 FOR IDENTIFICATION.</p> <p>19 BY MS. HALLORAN:</p> <p>20 Q. I have just handed you what's been marked MDE's Exhibit</p> <p>21 16. It is a letter marked with OCR Docket</p> <p>22 # 15-18-1188, and it appears to be signed by your</p> <p>23 mother. Have you seen this document before?</p> <p>24 A. No.</p> <p>25 Q. Do you know if there was a Complaint made on your</p>
<p style="text-align: right;">Page 87</p> <p>1 A. Absolutely not.</p> <p>2 Q. Have you ever been arrested?</p> <p>3 A. No.</p> <p>4 Q. Did you have any contact with the juvenile justice</p> <p>5 system?</p> <p>6 A. No.</p> <p>7 Q. Do you have any social media?</p> <p>8 A. Yes.</p> <p>9 Q. What social media do you use?</p> <p>10 A. I have Instagram.</p> <p>11 Q. Do you have Facebook?</p> <p>12 A. No.</p> <p>13 Q. TikTok?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Do you post on Instagram?</p> <p>16 A. No.</p> <p>17 Q. Do you post on TikTok?</p> <p>18 A. No.</p> <p>19 Q. Do you consume any alcohol?</p> <p>20 A. No.</p> <p>21 Q. Besides the medication that you are prescribed by your</p> <p>22 doctors do you consume any drugs?</p> <p>23 A. No.</p> <p>24 Q. Do you want to go to college?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 89</p> <p>1 behalf to the U.S. Department of Education?</p> <p>2 A. Actually, I have seen this document before, but no, I</p> <p>3 do not know if there was a Complaint made.</p> <p>4 Q. And in what way have you seen this document before?</p> <p>5 A. My mom, she typed it up on her computer basically.</p> <p>6 Q. Besides the State Complaints and the Due Process</p> <p>7 Complaints that we talked about today, have you</p> <p>8 complained to any other entities about the education</p> <p>9 that you received?</p> <p>10 A. No.</p> <p>11 Q. Were there any other Complaints that you know of that</p> <p>12 were filed with MDE besides the ones that we spoke</p> <p>13 about today?</p> <p>14 A. I don't know.</p> <p>15 DEPOSITION EXHIBIT 17</p> <p>16 WAS MARKED BY THE REPORTER</p> <p>17 FOR IDENTIFICATION.</p> <p>18 BY MS. HALLORAN:</p> <p>19 Q. Miss Shepherd-Friday, I just handed you what's been</p> <p>20 marked MDE's Exhibit 17. Do you recognize this</p> <p>21 document?</p> <p>22 A. No. Well, yes, I do.</p> <p>23 Q. What is this document?</p> <p>24 A. This document is a Complaint.</p> <p>25 Q. It's a Complaint from this lawsuit, right?</p>